IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 84 of 2006

Rishipal S/o Sri Chetram,
Presently posted as Assistant Teacher, LT Grade,
At R.N.I. Inter College, Bhagwanpur,
District Haridwar.

…… Appellant

Versus

1. Regional Joint Director of Education,
   Garhwal Region, District Pauri Garhwal.
2. District Education Officer,
   District Haridwar.
3. Manager, Committee of Management,
   R.N.I Inter College, Bhagwanpur,
   District Haridwar.
4. Principal, R.N.I. Inter College,
   Bhagwanpur, District Haridwar.
5. Ashok Kumar Saini S/o Sri Atma Ram,
   R.N.I. Inter College, Bhagwanpur,
   District Haridwar.

…… Respondents

Mr. Ajay Veer Pundir, Advocate for the appellant.
Mr. N.B. Tewari, Chief Standing Counsel for respondents Nos. 1 & 2.
None for respondents Nos. 3 & 4.
Mr. Parikshit Saini, Advocate on behalf of Mr. Rajendra Singh, Advocate for respondent No. 5.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Rajesh Tandon, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Ajay Veer Pundir, Advocate for the appellant.

Mr. N.B. Tewari, Chief Standing Counsel for respondents Nos. 1 & 2.

None for respondents Nos. 3 & 4.

Mr. Parkishit Saini, Advocate on behalf of Mr. Rajendra Singh, Advocate for respondent No. 5.

They are heard.

2. Appellant Rishipal has filed this Special Appeal against the impugned order dated 03.08.2006 passed in Writ Petition No. 1057 of 2006 (S/S).

3. Appellant Rishipal has filed the writ petition for the following reliefs:

> "I) Issue a writ order or direction in the nature of certiorari quashing the impugned resolution dated 9.4.2006 and the approval dated 17.7.2006 passed by respondent nos. 3 & 2 respectively annexed as Annexure No. 10 & 14 to the writ petition.
>
> II) Issue a writ order or direction in the nature of mandamus commanding the respondents to consider the petitioner's claim for promotion against the reserved post of Lecturer (English) for scheduled caste may be considered.
>
> III) Issue a writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.
>
> IV) Award the cost of the petition."

4. The petitioner filed an application for grant of the following relief as 'interim relief':

> **"PRAYER**
>
> It is, therefore, most respectfully prayed that it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of the resolution dated 9.4.2006 and the approval dated 17.7.2006 passed by respondent nos. 3 & 2 respectively annexed as Annexure No. 10 to the writ petition, and may further be pleased to direct the respondents to consider the petitioner's claim for promotion against the reserved post of Lecturer (English) for scheduled caste may be considered, otherwise the applicant / petitioner will suffer irreparably, or may be pleased to pass such further order as deem fit and proper under the circumstances of the case."

5. The learned Single Judge passed the following interim order on 03.08.2006:

> "Heard Sri Sharad Sharma, Ld. Counsel for the petitioner, Ld. Standing Counsel for respondents No. 1 and 2 and Sri Rajendra Singh, for respondent No. 5.
>
> Issue notice to respondents No. 3 and 4 returnable at an early date.
>
> Respondents may file counter affidavit within a period of three weeks.
>
> List thereafter.
>
> Appointment of respondent No. 5 made in pursuance to the resolution dated 09/04/2006 and approval dated 17/07/2006 shall be subject to the decision of writ petition."

6. Though, we do not find any infirmity in the impugned order, which may warrant interference in this Special Appeal, we, however, deem it proper to direct an out of turn hearing of the writ petition itself.

7. We, therefore, direct that Writ Petition No. 1057 of 2006 (S/S) be listed for final hearing in the week commencing 25th September, 2006. The learned counsel for the respondents are directed to file counter affidavits in the writ petition within a period of two weeks.

8. With the above direction, the Special Appeal stands disposed of.

9. With the above order, CLMA No. 11260 of 2006 also stands disposed of.

(Rajesh Tandon, J.) 04.09.2006

(Rajeev Gupta, C.J.) 04.09.2006

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